

## Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

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FM AMEMBASSY WARSAW

TO SECSTATE WASHDC 4367

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E.O. 11652: N/A

TAGS: EAIR, PL

SUBJECT: POLISH GOVERNMENT ASKS FOR CAPACITY CONSULTATIONS  
UNDER CIVIL AIR AGREEMENT

SUMMARY: THE FOREIGN MINISTRY HANDED THE DCM A DIPLOMATIC  
NOTE APRIL 14 IN WHICH THE POLISH GOVERNMENT ASKS FOR CON-  
SULTATIONS UNDER ARTICLE 12 OF THE AIR TRANSPORT AGREEMENT  
BETWEEN THE U.S. AND THE GOP. THE NOTE ASKS THAT CONSULTA-  
TIONS BEGIN AS SOON AS POSSIBLE EITHER IN WARSAW OR WASHINGTON.  
END SUMMARY.

1. KINAST, HEAD OF THE NORTH AMERICAN DEPARTMENT, POLISH  
MFA, CALLED IN THE DCM APRIL 14 TO RECEIVE A NOTE REQUESTING  
CIVIL AIR CONSULTATIONS. AN INFORMAL TRANSLATION OF THE NOTE  
FOLLOWS:

BEGIN QUOTE THE MINISTRY OF FOREIGN AFFAIRS PRESENTS ITS  
COMPLIMENTS TO THE EMBASSY OF THE U.S. IN WARSAW AND REFERS  
TO THE EMBASSY'S NOTE NO. 67 OF FEBRUARY 28, 1975. IN VIEW  
OF THE MINISTRY OF FOREIGN AFFAIRS, THE REFUSAL OF THE AMERICAN  
AUTHORITIES TO GRANT THE REQUEST OF LOT FOR A FOURTH FRE-  
QUENCY ON THE ROUTE WARSAW-NEW YORK-WARSAW FOR THE SUMMER  
SEASON OF 1975 AND THE PREVIOUS REFUSAL OF A THIRD FREQUENCY  
IN THE WINTER SEASON, OCCURRING SIMULTANEOUSLY WITH THE  
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ANNOUNCEMENT BY PAN AMERICAN OF ITS SUMMER SCHEDULE FROM  
CHICAGO AND NEW YORK TO WARSAW WITH A FREQUENCY OF SEVEN

TIMES A WEEK, CREATES A SITUATION WHICH IS NOT IN ACCORDANCE WITH THE PRINCIPLE OF EQUAL BENEFITS WHICH IS UNDERLINED BY ARTICLE 9 OF THE CIVIL AIR AGREEMENT BETWEEN THE TWO COUNTRIES DATED JULY 19, 1972.

2. HAVING IN VIEW THE EXISTING COOPERATION IN THE FIELD OF AIR TRANSPORTATION BETWEEN THE TWO COUNTRIES AND WITH THE AIM OF MAKING POSSIBLE THE FURTHER PROPER DEVELOPMENT OF THIS TRANSPORTATION WITH EQUAL BENEFIT TO BOTH SIDES AND TAKING INTO ACCOUNT ALSO THE FACT THAT THE DIRECT TALKS BETWEEN LOT AND PAN AMERICAN IN MARCH OF THIS YEAR DID NOT BRING RESULTS, THE MINISTRY PROPOSES TO HOLD CONSULTATIONS AT THE LEVEL OF GOVERNMENTAL AVIATION OFFICIALS IN ACCORDANCE WITH ARTICLE 12 OF THE AGREEMENT ON AIR TRANSPORT.

3. IN VIEW OF THE NEARNESS OF THE BEGINNING OF THE SUMMER SEASON, THE POLISH SIDE PROPOSES THAT CONSULTATIONS BE HELD AS SOON AS POSSIBLE, PERHAPS EVEN IN THE MONTH OF APRIL IF THIS WOULD BE CONVENIENT TO THE AMERICAN SIDE.

4. THESE CONSULTATIONS COULD TAKE PLACE IN WARSAW OR IN WASHINGTON, ACCORDING TO THE DESIRES OF THE AMERICAN SIDE. THE TIME AND PLACE OF THE CONSULTATIONS COULD BE AGREED THROUGH DIPLOMATIC CHANNELS.  
(COMPLIMENTARY CLOSE.) END QUOTE

5. THE DCM ACCEPTED THE NOTE AND PROMISED PROMPT TRANSMISSION. HE NOTED, HOWEVER, THAT ARTICLE 12 OF THE AGREEMENT PROVIDED THAT CONSULTATIONS NEED NOT BE HELD UNTIL 60 DAYS FROM THE DATE A REQUEST IS RECEIVED. NORMAL PROCEDURE WAS TO HOLD CONSULTATIONS WHEN NECESSARY ON THE BASIS OF EXPERIENCE DERIVED FROM FLYING SOME PROPOSED NUMBER OF FREQUENCIES SO THAT DATA WOULD ACTUALLY BE IN HAND TO DEMONSTRATE OR REFUTE CLAIMS THAT SOME PARTICULAR FLIGHT SCHEDULE WAS UNBALANCED IN FAVOR OF ONE OR THE OTHER PARTY. HE REMARKED IN FAVOR OF ONE OR THE OTHER PARTY. HE REMARKED THAT THE AGREEMENT AS SIGNED BETWEEN THE TWO GOVERNMENTS PLACES NO LIMITATION ON THE NUMBER OF FREQUENCIES WHICH PAN AMERICAN MAY FLY AND THAT THERE WAS AN UNDERLYING ASSUMPTION THAT PAN LIMITED OFFICIAL USE  
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AMERICAN WOULD BE ABLE TO PUT GREATER CAPACITY ON THIS RUN THAN WOULD LOT TO MAKE UP FOR THE POLES' INABILITY TO PERMIT PAN AMERICAN TO SELL ITS OWN TICKETS FOR ZLOTYS IN POLAND. IT WAS REGRETTABLE THAT THE POLISH SIDE HAD NOT BEEN ABLE TO LIVE UP TO ITS OBLIGATIONS UNDER THE AGREEMENT TO SELL TICKETS IN ZLOTYS FOR PAYMENT FOR PAN AMERICAN'S ENTIRE WORLD ROUTE NETWORK SINCE THIS FAILURE TO FULFILL THE TERMS OF THE ORIGINAL AGREEMENT MADE IT MORE DIFFICULT TO CONTEMPLATE AMENDMENTS IN THE AGREEMENT OR ITS ACCOMPANYING EXCHANGE OF NOTES TO THE ADVANTAGE OF LOT. NONE OF THE SEVEN

FREQUENCIES WHICH PAN AMERICAN HAD FILED WAS A NON-STOP FLIGHT AND CALCULATIONS OF ACTUAL CAPACITY TO WARSAW WERE THEREFORE COMPLICATED. IT COULD BY NO MEANS BE CONSIDERED PROVEN THAT SEVEN INDIRECT FLIGHTS BY PAN AMERICAN PER WEEK CONSTITUTED GREATER EFFECTIVE CAPACITY THAN THREE NON-STOP FREQUENCIES A WEEK BY LOT.

6. KINAST RESPONDED THAT THE POLISH SIDE WOULD BE PREPARED TO DISCUSS ALL SUBJECTS DURING THE FORTHCOMING CONSULTATIONS INCLUDING FREQUENCIES AND THE QUESTION OF TICKET SALES FOR ZLOTYS. HE FELT THAT AIR TRAFFIC BETWEEN THE TWO COUNTRIES BY FLAG CARRIERS OF EACH REPRESENTED A USEFUL ECONOMIC TIE WHICH BOTH SIDES SHOULD BE INTERESTED IN STRENGTHENING. WHILE WARSAW REPRESENTED ONLY ONE MORE STOP IN PAN AMERICAN'S WORLD-WIDE ROUTE NETWORK, THE STARTUP OF SERVICE TO THE U.S. BY LOT HAD ENTAILED LARGE INVESTMENTS AND THE U.S. SIDE SHOULD BE PREPARED TO REGARD LOT'S DIFFICULTIES YMPATHETICALLY. HE WAS DISAPPOINTED THAT THE TWO AIRLINES HAD NOT BEEN ABLE TO REACH AGREEMENT IN THEIR DIRECT TALKS AND AS A RESULT OF THIS BREAKDOWN THE RESPONSIBLE POLISH GOVERNMENT OFFICIALS HAD FELT IT NECESSARY TO CALL FOR CONSULTATIONS AT THE GOVERNMENT-TO-GOVERNMENT LEVEL. HE DECLINED TO BE EXPLICIT CONCERNING THE POSITION THE POLISH GOVERNMENT WOULD TAKE IN THE CONSULTATIONS.

7. WE HAVE INFORMED THE LOCAL PAN AMERICAN OFFICE OF RECIPT OF THE NOTE. PLEASE ADVISE RE TIMING AND LOCALE OF CONSULTATIONS.

DAVIES

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## Message Attributes

**Automatic Decaptioning:** X  
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**Concepts:** NEGOTIATIONS, AVIATION AGREEMENTS  
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**Draft Date:** 15 APR 1975  
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**Decaption Note:**  
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**Disposition Approved on Date:**  
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